

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

In re PETER DIPIETRO,

Plaintiff.

Civil Action 19-14031
(NLH/AMD)

MEMORANDUM OPINION & ORDER

APPEARANCES:

PETER DIPIETRO
4321 ATLANTIC BRIGANTINE BLVD.
BRIGANTINE, NJ 08203

Appearing *pro se*

HILLMAN, District Judge

WHEREAS, Plaintiff, Peter DiPietro, who is appearing pro se, submitted a document for filing styled "On Petition for a Writ of Prohibition of all actions by the corporate STATE OF NEW JERSEY, all its agencies, corporation, municipalities, and franchises"; and

WHEREAS, Plaintiff has submitted a filing fee of \$47.00, presumably in an attempt to file his "Writ of Prohibition" as a "miscellaneous paper (any document not related to a pending case or proceeding)" under Appendix K, Schedule of Fees, in the Local Rules; but

WHEREAS, the Court finds that Plaintiff's filing does not qualify as a miscellaneous paper, but instead constitutes a

"civil action or proceeding other than an application for writ of habeas corpus" under Appendix K, which requires a \$400 filing fee, or in lieu of that, a properly supported application to proceed without prepayment of fees ("in forma pauperis application" or "IFP");

THEREFORE,

IT IS on this 28th day of August, 2019

ORDERED that Clerk of the Court shall issue Plaintiff a refund of the \$47.00 fee; and it is further

ORDERED that within 20 days, Plaintiff shall either pay the appropriate \$400 filing fee or submit the proper IFP application to proceed without prepayment of fees¹; and it is further

ORDERED that if Plaintiff submits the \$400 filing fee or IFP application, the Court will screen Plaintiff's filing to determine whether it falls within the scope of this Court's January 3, 2013 Order in Civil Action 1:12-2338, DiPietro v. Morisky, et al., Docket No. 28, where this Court Ordered that Plaintiff was enjoined from filing any claims in this District relating to his 2000 New Jersey state court divorce and child custody case without prior permission of the Court ("Preclusion

¹ The proper IFP application can be obtained from the Clerk's office or on the Court's website:
<https://www.njd.uscourts.gov/forms/application-proceed-forma-pauperis-non-prisoner-ao-239>

Order"); and it is further

ORDERED that if Plaintiff fails to submit the appropriate filing fee or IFP application within 20 days, the Clerk shall mark this matter as CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.